



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 11, 1998

Ms. Sandra C. Joseph
Open Records Counsel/Disclosure Officer
Comptroller of Public Accounts
111 East 17th Street, LBJ State Bldg.
Austin, Texas 78774-0100

OR98-0413

Dear Ms. Joseph:

You ask this office to reconsider our ruling in Open Records Letter No. 97-2758 (1997). Your request for reconsideration was assigned ID# 113621.

The Comptroller of Public Accounts (the "comptroller") received a request for information pertaining to six named individuals. In Open Records Letter No. 97-2758 (1997), this office concluded that the comptroller could not withhold the information under sections 803.402 and 825.507 of the Government Code. In your request for reconsideration, you provided a letter from the Employees Retirement System of Texas (the "system") which states that the system disagrees with our ruling. The system's letter "requests that the Comptroller ask the Attorney General's Open Records Division for reconsideration of this decision in order that the ERS may submit additional information."

We have not received any correspondence from the system regarding this matter. Furthermore, as we stated in our ruling, we believe that because the information is in the custody of the comptroller and not the retirement system, sections 803.402 and 825.507 of the Government Code do not apply. We, therefore, affirm Open Records Letter No. 97-2758 (1997).

If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Loretta DeHay". The signature is written in a cursive style.

Loretta R. DeHay
Deputy Chief
Open Records Division

LRD/rho

Ref.: 113621

cc: Mr. Andrew Wheat
Texans For Public Justice
609 West 18th St., Suite E
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